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ATTORNEYS FOR ALL PLAINTIFFS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND
DIVISION

JANE ROE, an individual; MARY ROE,
an individual; SUSAN ROE, an
individual; JOHN ROE, an individual;
BARBARA ROE, an individual;
PHOENIX HOTEL SF, LLC, a
California limited liability company;
FUNKY FUN, LLC, a California limited
liability company; and 2930 EL
CAMINO, LLC, a California limited
liability company,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, a California public entity,

Defendants.

Case No. 4:24-cv-01562-JST

**ADMINISTRATIVE MOTION TO
EXTEND TIME FOR PLAINTIFFS
TO RESPOND TO DEFENDANT'S
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

**ASSIGNED FOR ALL PURPOSES
TO THE HONORABLE DISTRICT
JUDGE JON S. TIGAR,
COURTROOM 6**

Action Filed: 03/14/2024
Trial Date: Unassigned

1 Pursuant to Local Rules 6-3 and 7-11, Plaintiffs request that the Court extend
2 the deadline for Plaintiffs to file a reply brief in response to Defendant's Opposition
3 to Plaintiffs' Motion for Preliminary Injunction, and also extend the deadline for
4 Defendant's sur-reply. Plaintiffs' reply brief is currently due by November 7, 2025,
5 and Defendant's sur-reply is due by November 21, 2025, as set forth in ECF No. 110.
6 (Davis Decl.). Plaintiffs request that the Court extend the deadline to file the reply
7 brief to November 21, 2025, and Defendant's sur-reply be due on December 12, 2025.
8 In support of this request, Plaintiffs assert:

9 1. The City objected to the depositions of third-party witnesses Joe Wilson
10 and Dr. Tyler TerMeer. Pursuant to this Court's order, that matter was submitted to
11 Magistrate Judge Illman for resolution. Magistrate Judge Illman held a hearing on
12 October 28, 2025, and ordered that the depositions could go forward, but that they
13 could be remote and that they were limited in time to two hours. Magistrate Judge
14 Illman directed Plaintiffs' counsel to gather deposition dates from counsel for the
15 third party witnesses, and to meet and confer with Defendant's counsel as to their
16 availability to cover those depositions.

17 2. The parties have complied with Magistrate Judge Illman's order, and
18 have scheduled the deposition of Joe Wilson for 10 a.m. on November 14, 2025, and
19 Dr. Tyler TerMeer for 2 p.m. on November 14, 2025. Davis Decl. ¶ 2.

20 3. Plaintiffs' reply brief is currently due on November 7, 2025. Plaintiffs
21 request that this deadline be extended to November 21, 2025, so they can include
22 relevant testimony from those depositions, if any, in their reply brief.

23 4. Counsel for the parties have met-and-conferred, and agreed that if the
24 Court extends the deadline for Plaintiffs' reply brief to November 21, then the
25 deadline for Defendant's sur-reply brief (currently November 21), be extended to
26 December 12, 2025. Davis Decl. ¶ 3.

27 5. Denial of this request would prevent Plaintiffs from including the
28 testimony of Mr. Wilson and Dr. TerMeer in the record as it relates to the Motion for

1 Preliminary Injunction. The requested two-week extension does not pose a risk of
2 prejudice to Defendant, as defense counsel will have adequate time to file their sur-
3 reply.

4 For the foregoing reasons, Plaintiffs respectfully request that the Court enter
5 the attached proposed schedule.

6
7 Dated: October 31, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

8
9 By:



10 MICHAEL A. KELLY
11 RICHARD H. SCHOENBERGER
12 MATTHEW D. DAVIS
13 ASHCON MINOIEFAR
14 Attorneys for ALL PLAINTIFFS
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PROOF OF SERVICE

Jane Roe, et al. v. City and County of San Francisco, et al.
USDC-Northern California Case No. 4:24-cv-01562-JST

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the county where the mailing took place, My business address is 650 California Street, 26th Floor, City and County of San Francisco, CA 94108-2615.

On the date set forth below, I caused to be served true copies of the following document(s) described as

- **ADMINISTRATIVE MOTION TO EXTEND TIME FOR PLAINTIFFS TO RESPOND TO DEFENDANT'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF MATTHEW D. DAVIS IN SUPPORT OF ADMINISTRATIVE MOTION TO EXTEND TIME FOR PLAINTIFFS TO RESPOND TO DEFENDANT'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**
- **[PROPOSED] ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE MOTION TO ADJUST BRIEFING SCHEDULE**

to:

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13 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
14 document(s) with the Clerk of the Court by using the CM/ECF system. Participants
15 in the case who are registered CM/ECF users will be served by the CM/ECF system.
Participants in the case who are not registered CM/ECF users will be served by mail
or by other means permitted by the court rules.

16 **BY ELECTRONIC TRANSMISSION:** Pursuant to CCP 1010.6(e), I caused
17 the above-titled document(s) to be electronically served on the persons at the
electronic service addresses listed.

18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct and that I am employed in the office of
a member of the bar of this Court at whose direction the service was made.

20 Executed on October 31, 2025, at San Francisco, California.

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22
23 Kirsten Benzien